

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT K. DEE, JR.,

Plaintiff

v.

BOROUGH OF DUNMORE,
BOROUGH OF DUNMORE COUNCIL,
JOSEPH LOFTUS, THOMAS
HENNIGAN, JOSEPH TALUTTO,
FRANK PADULA, LEONARD
VERRASTRO, and MICHAEL
CUMMINGS, Individually and as
Councilman,

Defendants

CIVIL ACTION NO. 3:05-1342

(JUDGE CAPUTO)

EDWARD G. SMITH

Plaintiff

v.

BOROUGH OF DUNMORE,
BOROUGH OF DUNMORE COUNCIL,
JOSEPH LOFTUS, THOMAS
HENNIGAN, JOSEPH TALUTTO,
FRANK PADULA, LEONARD
VERRASTRO, and MICHAEL
CUMMINGS, Individually and as
Councilman,

Defendants

CIVIL ACTION NO. 3:05-1343

(JUDGE CAPUTO)

MEMORANDUM ORDER

The issue before me is whether the Borough of Dunmore can be compelled to permit inspection and copying of the minutes of Borough Council meetings. The Plaintiffs contend the Federal Rules of Civil Procedure authorizes it. The Borough contends the

original transcripts are the property of the stenographer and therefore the minutes must be obtained from the stenographer. The underlying issue is the expense. If copying were permitted it would cost plaintiffs approximately \$200. If the transcripts had to be obtained from the stenographer who transcribed them, it would cost approximately \$5000.

Defendants cite Rules 30(f)(2) of the Federal Rules of Civil Procedure which states:

Unless otherwise ordered by the court or agreed by the parties, the officer shall retain stenographic notes of any deposition taken stenographically or a copy of the recording of any deposition taken by another method. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the transcript or other recording of the deposition to any party or to the deponent.

Even if I were to accept that deposition transcripts are the equivalent of the transcripts of a Borough council meeting, which I do not, Rule 30(f)(2) allows for a court order requiring discovery of the deposition stenographic notes.

I conclude that the minutes to the extent they meet the discovery standards of Rule 26(b) they are to be made available for inspection and copy. Therefore, **IT IS ORDERED THAT** to the extent discoverable under Rule 26(b), the minutes of council meetings requested by the Plaintiffs for inspection and copying shall be produced herewith.

Date: May 12, 2006

S/ A. Richard Caputo
A. Richard Caputo
United States District Judge